

Amendment No. 1 to HB1847

Farmer  
Signature of Sponsor

**AMEND Senate Bill No. 2016**

**House Bill No. 1847\***

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 37, Chapter 2, Part 4, is amended by adding the following as a new section:

(a) Notwithstanding a provision of this chapter to the contrary, non-governmental independent contractors that contract with, or enter into an agreement with, the department of children's services for the provision of foster care continuum services to children in the department's custody are granted limited tort exposure under this chapter from civil actions or claims filed by the children and families who are the intended or actual recipients of those services. This grant of limited tort exposure is provided only when the non-governmental independent contractors are providing by contract or agreement foster care continuum services to children in the department's custody.

(b) In performing or providing foster care continuum services, the non-governmental independent contractors are deemed to be the functional equivalent of the department of children's services. The non-governmental independent contractors are performing or providing these foster care continuum services in the stead of the department of children's services and by such are fulfilling a public purpose that is authorized to be performed by the department of children's services. The department's contracting party for the provision of foster care continuum services will not be afforded limits to its tort exposure for gross negligence in the performance of the contract or agreement.

(c) In performing or providing foster care continuum services, the monetary limits of tort exposure for the department of children's services contracting party or party to the agreement are the same as the limits set for the department of children's services in § 9-8-307; provided, that a claim against the contractor arising from the contractor's provision of foster care continuum services to children in the department's custody shall be filed with a court of competent jurisdiction and shall not be heard by the Tennessee claims commission.

SECTION 2. This act takes effect July 1, 2022, the public welfare requiring it, and applies to actions arising on or after that date.